

morning, early today, the junior Senator from Utah spoke about a doctor who was contacted by the American Medical Association to call the Senator and support the McCain-Edwards-Kennedy bill. In the course of the discussion, he discovered that he really didn't support the bill but he favored the Frist-Breaux-Jeffords approach.

That is not the only calls that are being made out there in America as we speak and debate here. My office received a call from a businessman in Rhode Island instigated by the National Association of Manufacturers who said: Call your Senator and tell him not to vote for Kennedy-Edwards-McCain. But when we spoke with the individual, when we explained the provisions of the bill, particularly the provisions with respect to potential lawsuits against employers, he concluded that the Kennedy-McCain-Edwards bill was the type of legislation he could support because he is not just an employer; he is just not a businessperson; he is a family man. His wife had recently been sick, and he understood the difficulties that are faced in trying to get health care out of an insurance company that is committed to the bottom line, not the health care, principally, of their insured members. He preferred, after discussion, the type of protections included in this bill.

I hope that is a sign that when we can come here to the Chamber and clearly explain the contents of this legislation, we can convince many people across the country that this legislation is in the best interest of the families of America.

Now, I have for several years been working to ensure that this type of legislation pays particular attention to children. I am very pleased to say that the McCain-Edwards-Kennedy bill incorporates many of the provisions of legislation I have submitted along with many colleagues. It protects the right of families to have a pediatrician as a primary care provider and the right to make referrals to a pediatric specialist, not just a specialist. There is a vast difference between an adult cardiologist who may have seen a child 1 or 2 years ago and a pediatric cardiologist who specializes in those types of problems for children. If you are a parent, that is the specialist you want to see. This legislation provides for that access clearly, unequivocally.

The alternative legislation would say the company can find someone who has a specific qualification. Again, the lawyers for the insurance company can find many ways to suggest that that is the gentleman or woman who might have seen a child 2 years ago, a cardiologist, rather than the more expensive doctor not in their plan who is, in fact, a pediatric cardiologist.

This is real progress on the bill. I commend the authors for doing this and pushing forward.

There is one area I would like to see included in addition to what has been done. That is a proposal I have made previously on a bipartisan basis with Senators JEFFORDS and COLLINS to create for each State an ombudsman, someone who can be a point of reference and referral to individuals who have questions about their health care plan. Before you even get into a long, protracted internal review or external review, there should be an individual you can contact and say: Do I have a problem here? I think I am covered for this procedure. Am I really covered for this procedure? That type of advice, that type of objective information on a systematic basis can do much to resolve the potential specter of a plethora of lawsuits.

It is a worthwhile initiative. I hope my amendment can be incorporated into this bill. Indeed, I am preparing to offer such an amendment along with Senators WELLSTONE, WYDEN, and CLINTON. I hope when the process begins for amendments, we can make that improvement to what is already a very fine bill.

This is a very clear issue when you boil it all down. Do you stand with the families of America who deserve health care coverage they paid for or do you stand with the insurance companies whose major concern is their financial solvency and well-being? This legislation stands with and for the families of America. I support it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

#### ENERGY CRISIS IN AMERICA

Mr. MURKOWSKI. Mr. President, I recognize that we are debating a motion to proceed to the Patients' Bill of Rights. I am tempted, however, to ask unanimous consent that we set the Patients' Bill of Rights aside and go to the energy legislation that is pending before this body. I shall not do that, in deference to my colleagues on the other side, although I must admit, it is somewhat ideal and timely.

What I am going to do is call on the majority leader of the Senate to set a date to take up the energy crisis in America. Polling indicates the No. 1 issue in this country and concern is not education. It is energy.

Under the previous leadership—and hindsight is cheap—this was the week we were going to be debating a comprehensive energy bill in this body. Senator LOTT had indicated that that was the next order of business after education. Where are we in the order of business? We are on the Patients' Bill of Rights. We are supposedly going to be on the supplemental next week. We may take up the minimum wage. We may be on appropriations. Where is energy in the Democratic list of priorities

for this body? I am very disappointed that evidently it has been tossed aside under the new leadership.

Where have we been on this matter? We have been busy. The Energy and Natural Resources Committee, which I previously chaired and on which I worked with Senator BINGAMAN—Senator Bingaman now chairs the committee—has been busy inasmuch as we have held 24 hearings. We have had 164 witnesses over the last year. We clearly know what this country needs. We need to produce more energy. We need to develop alternatives. We need to develop renewables. We need to do a better job of conservation. But we have to come to grips with this crisis. We can't ignore it. It is not going to go away.

The issue is ripe for debate in this body, ripe for debate on the Senate floor. We should proceed forward on behalf of the American public who is looking to Congress to provide a solution.

We all know prices are too high; supplies are too low. We all know that too little is being done as evidenced by the calendar with which we are confronted.

I therefore ask the majority leader at this time to agree to bring the energy policy legislation to the floor of the Senate at a time certain, and certainly no later than July 23. I look forward to his response.

To give some idea of the timeliness of this, one only has to look at what is going on in the committees. Yesterday, the Energy and Natural Resources Committee heard from FERC. We heard from the five members of the Commission.

Today, in Government Affairs, we had the Governor of California, Gray Davis, along with other Western Governors, appearing to tell of the energy crisis in their States. We also heard from the FERC relative to the action they had taken unanimously to reach a conclusion to basically take the pressure off what was proposed as legislation to mandate wholesale caps and prices.

I think it is fair to say that we can commend the administration, the President and the Vice President, for holding the course because wholesale caps do not encourage investment. We need investment in new power-generating facilities. As the President knows, if you put very tight caps in, investment will not come in regardless of how many permits for construction are issued. The incentive for a reasonable rate of return has to be there.

Now, FERC has come out with an order that addresses this. It takes care of not only investor-owned but municipally owned utilities. It covers both. It sets a 15-month timeframe in which to work, and it bases its great structure at the lowest efficient contributor into the energy pool.

I commend FERC. We can argue why they didn't do it sooner, but it is important to recognize that FERC has

just been functioning with its five members for a relatively short period of time, less than 2 weeks. Where were they last year? There is no use going back and trying to figure out why they didn't act sooner. In any event, it is fair to say that what California needs is not political excuses; they really need practical solutions.

FERC, while working out the solution, found that some in California continue to spin the issue away in the hopes that somehow the blame will be deflected. We heard from Governor Davis. He has been blaming virtually everyone for the problems in California—his predecessor, the State legislature, and he even blamed the Texas ownership that contributes only about 12 percent of the energy that comes into California from Texas-owned energy companies. Twelve percent is significant but not overwhelming. He has blamed the President and the Vice President for problems that began 9, 10 months before they even took office. He has not recognized that, indeed, the President and the Vice President, in their proposal in the energy task force, proposed realistic ways to correct the problem—to correct it for California and nationally—by a balanced comprehensive energy policy. He also blamed power producers for price gouging. He hired the head of one of these groups, David Freeman, of the Los Angeles Department of Water and Power, as his energy adviser.

One has to look at the list of those that allegedly have overcharged California. They contribute about \$505 million. Among them is the city-owned Los Angeles agency that distributes water and power in Los Angeles—somewhere in the area of about \$17 million in overcharging. Another significant overcharge allegation was leveled against the Columbia River producers on the Columbia River in Bonneville. Nearly \$173 million were BC hydro, which constituted about two-thirds of the \$505 million.

I suggest that California spends more time discussing the problem of spinning off responsibility than looking forward to how they can address changes by increasing more production in California. I commend FERC, and I share the President's commitment to market competition, not Federal Government command and control. We must never forget that Government itself doesn't generate one kilowatt of electricity, and neither do controls, if you will, on private investment. Only industry can generate the electricity the public needs. Price controls have never spun a turbine and have never stopped a rolling blackout.

In the pursuit of just and reasonable rates, Congress need not pursue new legislation. As we saw yesterday from the FERC, the system is working. The FERC order clears the way for our work on the long-term solution. We

must come together now on focusing our attention on putting in place a comprehensive national energy strategy that will help get us out of this crisis and keep us out. That must be our priority. And recognizing the contribution the administration has made in submitting the energy task force to us, the introduction of bills by both Senator BINGAMAN, myself, and a number of Members, which is a comprehensive proposal for relief, should be on the calendar of this body. It should be on the calendar for action now. It is beyond me why those on the other side have chosen to ignore it at a time when it is the No. 1 priority in the country.

Further, on a sidenote, on May 23 of this year, the Committee on Energy and Natural Resources, which I formerly chaired and now am the ranking member, reported the nomination of Steven Griles to be the Deputy Secretary of the Interior. It has been 28 days and we are still waiting to even get a time agreement, which was noticed to us that would be required. The significance of this particular nominee in the Department of the Interior is that the only confirmed position at the Department of the Interior is the Secretary of the Interior.

That is simply irresponsible. It is time for the Senate to let Steven Griles' nomination go. We look forward to trying to work with the majority to achieve this. There is absolutely no excuse to hold this nominee from being confirmed. He has been voted out of the Committee on Energy, and there is little we can offer the majority. The excuse is that they are holding up the nomination until such time as the committees are determined. But we all know the committees are going to be determined with at least one more Member of the majority going on the committees. I don't know what the minority can do other than to recognize that the Department of the Interior serves all of us—both Republicans and Democrats—and to hold up the functional responsibility when we have had the hearing and this nominee is waiting to serve the country bears another examination by the majority. I would certainly be glad to get any explanation anybody might care to provide at this time, or at any other time.

I will leave you with one thought. Back in 1992, we had a similar concern in this country that we were facing—an increase in imports. As a consequence of imports, we were increasing domestic production, as well as domestic demand, and as a consequence, we became concerned and passed out of committee a number of items that are shown on this chart. It is interesting to note, though, what we got out of the process when it went to the floor. We had given on all the supply increases associated with increasing domestic production and reducing dependence on foreign oil. As a consequence, it is

rather interesting to see on the current energy plan that there is little relief proposed. Yet in our comprehensive bill on the right, clearly we tried to cover all the areas of concern.

The reason that things are different—and I will show you this on the second chart—things aren't the same as they were in 1992—we have kind of a "perfect storm" scenario. We were 37-percent dependent in 1973. Now it is 56 percent. The Department of Energy says it will be 66 percent by 2010. Natural gas prices soared three to four times. They were \$2.16 per thousand, and now it is somewhere between \$4 and \$5. We haven't built a new nuclear plant in over 10 years, no new refineries or new coal plants.

I thank you for the time. I yield to the majority whip.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say to my friend that I am still the chairman of the Committee on Environment and Public Works, and we have a number of nominations waiting to help Governor Whitman. We have approved a deputy, Linda Fisher. I wanted to make sure she called, and she said she needed that help very badly; and we worked it out so when the Republicans were under control, I made sure that was released and that she could get over there and help.

We have a number of people waiting to go to the EPA. Governor Whitman needs help also with running that important entity.

I think the Senator should check with people on his side. The reason is that we have been waiting since we took control of the Senate to have a simple organizational resolution passed to allow the committee structure to be effectuated.

Rather than having an arrangement where the minority leader, Senator LOTT, speaks with the majority leader, Senator DASCHLE, a committee was formed to meet with Senator DASCHLE.

As we know, any time committees are chosen, it usually slows things down. Someone told me once that a committee was formed to come up with a horse, and the committee came up with a camel. That was their version of a horse. I think the committee is not really serving the Senate well.

I have knowledge, and I am sure their intent is good, nothing has happened in all this time. It seems to me the time has come that something should happen. There has been a lot of passing back and forth of memoranda and meetings, but that is what is holding things up.

As I indicated, we have people for EPA. Senator LEAHY has said publicly on a number of occasions he wants to start hearings in the Judiciary Committee.

This is not, as far as I am concerned, payback time. The fact is that 45 percent of President Clinton's nominations for the appellate court never

made it through the process—45 percent. When we were in control last time, the average waiting time for a judicial nomination was 85 days. The last full Congress when the Republicans were in control, the waiting time was 285 days.

This is not going to be payback time. Senator DASCHLE has said that. We are going to conduct the Senate and the committee system in an appropriate way.

We have vacancies in Nevada. We have three vacancies for Federal judges in the small State of Nevada that need to be filled. We hope that can take place quickly. Senator ENSIGN and I have agreed on the judges who should be nominated and sent to President Bush. They are down there now.

I say to my friend from Alaska, we also want the organization of the Senate to formally take place, and we hope the committee of five will get together and take care of the other 44 Senators they represent and move on to what we believe is the appropriate function of this Senate.

I will be happy to yield to my friend from Alaska.

Mr. MURKOWSKI. I very much appreciate the comments of my friend from Nevada who has outlined, I think accurately, the overall situation. I did not in my request highlight the overall resolve of this dilemma associated with the committee and the structuring of the committee. What the Senator said certainly is relevant to having the committees take action.

This issue of Steven Griles is entirely different. The reason it is different is he has been waiting 28 days. That was before the Senate changed hands. For the majority whip to indicate he is part of this, in reality, his nomination was pending before Senator JEFFORDS left our side and joined the other side.

At that time, we were negotiating with the Democrats in good faith to agree to a time agreement, and there was an indication that they would require at least several hours, and we were willing to do that.

I want the record to note Steven Griles is different than the other pending nominations because he was proposed and held up prior to the Democratic Party taking control of the Senate.

I again renew my request that special consideration be given him because his is truly a special case.

Mr. REID. Mr. President, I say to my friend from Alaska, I have not spoken to the majority leader about Steven Griles, but I am confident once this organizational resolution is in effect, that will happen pretty quickly.

Mr. MURKOWSKI. If the Senator will yield on one more point.

Mr. REID. Yes, I yield.

Mr. MURKOWSKI. I can appreciate that, but we are still saying Steven Griles is, in effect, held hostage as a

consequence of the policies of the majority now when we could have taken action when we had the majority, but we were trying to work with the minority at that time.

Clearly, we are left in this dilemma of him being caught, if you will, in the tidal backwater which affects us all, whether Republican or Democrat.

As the Senator from Nevada knows, he is from a public land State. He needs some help at the Department of Interior. This action of delaying simply puts off Mr. Griles' ability to serve our country and the Department. That is, indeed, unfortunate, particularly in view of the fact he was voted out of the committee and his nomination is still pending.

Mr. REID. Mr. President, I feel confident that it will be in everyone's interest—the minority, the majority, and every State in the Union—if we can get this organizational situation completed. We have waited far too long. The committee of five should meet as often as necessary with Senator DASCHLE. We only have one representing us and five representing them. I think Senator DASCHLE would make himself available any time of the day or night to get this organizational situation resolved.

#### PATIENTS' BILL OF RIGHTS

Mr. REID. Mr. President, there has been a concerted effort since the first day of this week to stall, hinder, slow down—whatever term one can use—the movement of this legislation which is before the Senate, the Patients' Bill of Rights. This method to slow down legislation has come about because the managed care entities and the people who work with them, who make a lot of money, have said to the minority: Do not let this legislation move. And the minority is trying to live up to their request. Keep this legislation boxed up. Tie it up for as long as possible.

I announce to everyone within the sound of my voice and I spread over the Record of the Senate that the "as long as possible" has come to an end. We are going to move this legislation. Five years is long enough. We are going to move this legislation now.

In the morning, we are going to vote on a motion to proceed that should have taken place a long time ago. We should not even be having a vote on a motion to proceed, but that is the way they decided to slow it down, recognizing if they slow it down this week, then maybe next week we will not want to work very hard. We have the Fourth of July parades, our 10 days at home, and then they will wait until after the Fourth of July, and we will have appropriations bills and maybe there will not be a Patients' Bill of Rights for the sixth year.

That is not going to happen. TOM DASCHLE—whom I have known since

1982; I served with him in the House and I have the good fortune of serving with him in the Senate; we came here together—has said we are going to complete this legislation before the Senate recesses for the Fourth of July break.

TOM DASCHLE is a man of his word. That is what is going to happen, and everyone should understand that.

Why is this legislation called the Patients' Bill of Rights? It is called the Patients' Bill of Rights because it will create a law that gives patients the rights to which they are entitled, which they now do not have. In short, it will once again allow a doctor to care for his or her patient. That is the way it used to be.

Just think, a doctor can prescribe medicine for his or her patient that will heal that patient in the mind of the doctor, relieve pain, prevent disease. The doctor can do that because that doctor thinks that is best for his or her patient.

Imagine a doctor can refer a patient to a specialist if he believes it is appropriate. That is the way it used to be. That is the way it is going to be in the future.

We have heard all kinds of excuses that if this legislation passes, the sky is going to fall. This is not the first time we have heard these statements.

Senator DORGAN and I spoke today to a person who is a very successful businessman. He said: The reason I like Democrats, but the reason you cause businesspeople concern, is you want to change things: Social Security, Medicare. There are things you are trying to do differently. They work out well, but people don't like change.

Just a few years ago, the Family Leave Act was talked about. The Democrats thought it would be a good idea if America was like most civilized countries. If a woman, for example, had a baby, she would not lose her job. It was called the Family Leave Act. We said: Employer, you don't even have to pay the woman, but she should be guaranteed her job when she finishes 6 weeks of maternity leave.

We can't do that. It will drive us out of business. We cannot have temporary employees. It will be awful.

I defy anyone to go home and have anybody raise the question that the Family and Medical Leave Act has hurt their business. Of course, it has not. It helps their business.

The Patients' Bill of Rights is in the same category. It is going to help our society. In the long run, it will help businesses because it will make the employees feel better about the businesses. We are being told the Patients' Bill of Rights will be like the Family and Medical Leave Act; it will drive businesses into bankruptcy. This is not going to happen.

Everything possible is being brought up about this legislation. What are